

House File 238 - Introduced

HOUSE FILE 238

BY WATTS

A BILL FOR

1 An Act relating to the department of administrative services by
2 broadening the authority of state agencies to make purchases
3 directly from vendors and expanding the scope of those
4 records of the department that are public.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.106, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. The records of the department, except personal
4 information in an employee's file if the publication of
5 such information would serve no proper public purpose, shall
6 be public records and shall be open to public inspection,
7 subject to reasonable rules as to the time and manner of
8 inspection which may be prescribed by the director. ~~However,~~
9 ~~the~~ The department shall not be required to release financial
10 information, business, or product plans which if released would
11 give advantage to competitors and serve no public purpose,
12 relating to commercial operations conducted or intended to be
13 conducted by the department, except that records of all charges
14 or fees applied to state agencies shall be public records and
15 shall be open to public inspection.

16 Sec. 2. Section 8A.311, subsection 10, paragraph a, Code
17 2011, is amended to read as follows:

18 a. The director shall adopt rules providing that any state
19 agency may, ~~upon request and approval by the department,~~
20 purchase directly from a vendor if the direct purchasing is
21 equivalent, compatible, and more economical than purchasing
22 through the department, ~~if the agency shows that direct~~
23 ~~purchasing by the state agency would be in the best interests~~
24 ~~of the state due to an immediate or emergency need, or if the~~
25 ~~purchase will not exceed ten thousand dollars and the purchase~~
26 ~~would contribute to the agency complying with the targeted~~
27 ~~small business procurement goals under sections 73.15 through~~
28 ~~73.21.~~

29 Sec. 3. Section 8A.311, subsection 10, paragraph b, Code
30 2011, is amended by striking the paragraph.

31 Sec. 4. Section 8A.311A, subsection 3, paragraph a, Code
32 2011, is amended to read as follows:

33 a. ~~The department determines, upon a request by the agency,~~
34 ~~that the~~ An agency can satisfy the requirements for purchase
35 of the good or service directly from a vendor as provided in

1 section 8A.311, subsection 10, ~~paragraph "a"~~.

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EXPLANATION

3 This bill broadens state agency authority to make direct
4 purchases from vendors and expands the scope of department
5 of administrative services public records to include fees or
6 charges assessed by the department.

7 Current law states that all records of the department,
8 except for certain personnel, financial, business, and product
9 information, constitute public information open to public
10 inspection. The bill requires that all fees or charges
11 assessed to state agencies be considered public records and
12 that those records be subject to public inspection.

13 The bill also broadens the authority of state agencies
14 to make purchases directly from a vendor whenever such a
15 purchase is equivalent, compatible, and at a lower cost than
16 purchasing through the department. Current law requires that
17 any state agency first make a request and receive approval
18 from the department for such a purchase. Current law also
19 requires that such a purchase be made only due to an immediate
20 or emergency need or that such a purchase would contribute to
21 state small business procurement goals and be valued at or
22 below \$10,000.